

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF:

JAMES G. SMOOT  
CAROL V. SMOOT

Debtors

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CASE NO. 02-13924

DECISION AND ORDER

At Fort Wayne, Indiana, on April 28, 2006

In that Bankruptcy Rule 7001 requires an adversary proceeding in order to recover money or property from an entity (except a proceeding to compel the debtor to deliver property to the trustee) trustee's motion, filed on March 23, 2006, for stay violation for failure to turnover funds/property of the estate is DENIED.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court